IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13022 of 2004

Between:

1 Vanipenta Brahma Reddy @ Brahmaiah, S/o Jangama Reddy,
R/o Nagireddy Palem Village , Bellamkonda Mandal,
Guntur District.
2 Vanipenta Narsi Reddy, S/o Jangama Reddy,
C/o Battula Sridhar Reddy, R/o Anjaneya Layout, Martalli,
Bangalore.

..... PETITIONERS

AND

1 The Deputy Superintendent of Police, Sattenapalli, Guntur District.
2 The Circle Inspector, Piduguralla, Guntur District.
3 The Station House Officer, Rajupalem (Village & Mandal),
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent police in calling petitioners to the police station and threatening to produce their younger brother, Sri V. Govinda Reddy for effecting Non Bailable Warrants issued in a maintenance case filed by his wife, as illegal, contrary to law.

Counsel for the Petitioners: MR.VENKATESWARLU POSANI

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioners seek a writ of Mandamus, declaring the action of the respondents in calling them to the police station and threatening to produce their younger brother, Sri V.Govinda Reddy, for executing Non Bailable Warrants issued against him in a maintenance case filed by his wife, as arbitrary and illegal.

It is not in dispute that one Sri V.Govinda Reddy, younger brother of the petitioners, was married to one Smt.V.Rattamma and that she filed M.C.No.20/88 under Section 125 Cr.P.C, seeking maintenance which is pending on the file of the Additional Munsiff Magistrate, Sattenapalli. It appears that by order dated 27-11-1989, the said Govinda Reddy was directed to pay a sum of Rs.150/- per month towards maintenance. Subsequently, he left the village and his whereabouts are not known. Consequently, the Court on 03-12-1999 issued Non Bailable Warrants against Sri V.Govinda Reddy. The grievance of the petitioners is that in pursuance of the said Non Bailable Warrants issued against Govinda Reddy, the respondents are compelling them to attend the police station and also threatening them to secure the presence of Govinda Reddy to execute the Non Bailable Warrants. Hence, this writ petition.

On behalf of the respondents, the Assistant Sub-Inspector of Police who is Incharge SHO, Rajupalem Police Station filed a counter affidavit denying all the allegations made by the petitioners. It is stated that the respondent-Police caused enquires with the petitioners to find out the whereabouts of their younger brother-Govinda Reddy,

for the purpose of execution of the Non Bailable Warrants issued against him by the Court of Additional Munsiff Magistrate, Sattenapalli. They informed the police that they have no knowledge of their younger brother. It is further stated that the petitioners were not called by any one of the respondents as alleged in their affidavit. It is also stated that the Sub Inspector of Police, Rajupalem Police Station was transferred and with effect from 02-07-2004 and till date, no Sub Inspector is posted at Rajupalem Police Station.

In the light of the averments in the counter affidavit filed on behalf of the respondents, the allegations of the petitioners are unfounded and therefore no adjudication is necessary on merits. Accordingly, recording the statement in the counter affidavit that the respondents never pressurized nor threatened the petitioners to produce their younger brother Sri.V.Govinda Reddy, the writ petition is disposed of with a further direction to the respondents not to call the petitioners to the Police Station without following due process of law, if no crime is registered against them in connection with any offence as on today. No costs.

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02-09-2004

vs

To

1 The Deputy Superintendent of Police, Sattenapalli, Guntur District.
2 The Circle Inspector, Piduguralla, Guntur District.
3 The Station House Officer, Rajupalem (Village & Mandal),
Guntur District.

4 Two CCs to the G.P for Home, High Court Buildings, Hyderabad(O.U.T).

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